

# The Adams Sentinel.

A Family Journal--Devoted to Foreign and Domestic News, Politics, Literature, Agriculture, Education, Morality, Science and Art. Advertising, &c &c.

At \$2.00 per annum, strictly in advance; \$2.50 if not \$2.75, if payment is delayed.

Advertisements \$1.25 per quarter for 3 weeks;

" " 25 " for each snt.

ROBERT G. HARPER, EDITOR AND PROPRIETOR.

"RESIST WITH CARE THE SPIRIT OF INNIGATION UPON THE PRINCIPLES OF YOUR GOVERNMENT, HOWEVER SPICIOUS THE PRETEXTS."—Washington.

VOL. LXV.

NO. 9.

The New Skirt for 1864.  
A NEW AND GREAT INVENTION IN  
HOOP SKIRTS.

A STANDARD POLITICAL WORK.  
McPHERSON'S  
Political History of the Rebellion.

**T**HIS DUPLEX ELLIPTIC (or double) Steel Spring, J. J. & J. O. WEST, No. 97 Chambers street, New York, are the owners of the patent and exclusive manufacturer of this J. W. Bradley's Patented Duplex Elliptic Steel Spring Skirts.

This invention consists of Duplex (or two) Elliptic Steel Springs, ingeniously braided tightly and firmly together edge to edge, making the toughest, most Elastic, Flexible and Durable Spring ever used, enabling the wearer, in consequence of its great elasticity and flexibility, to place and fold it when in use as easily and with the same convenience as a Silk or Muslin Dress. It entirely obviates and silences the only objections to Hoop Skirts, viz: the annoyances to the wearer, as well as the public, especially in crowded assemblies, Carriages, Railroad Cars, Church Pew, or in any crowded place, from the difficulty of coexisting them and occupying a small space. This entirely removes the difficulty, while giving the Skirt the use if full and symmetrical form, and the lightest, most stylish and graceful appearance for the street, opera, promenade, or house dress. A lady having enjoyed the pleasure and comfort and great convenience of wearing one of the Duplex Elliptic Spring Skirts for a single day, will never afterwards willingly dispense with the use of them. They are also equally desirable, and a great improvement over those kinds of Skirts, for Misses and Young Ladies who wear short dresses, the elasticity and flexibility of these prevent when coming in contact with anything crowding the Hoop close to the person, from pushing out the other side of the Hoop or dress; and again, they are so much more durable and not likely to bend or break or get out of shape. The bottom rods on all the Skirts are also double steel, and twice as double covered to prevent the covering from wearing off the rods when dragging down stairs, stone steps, etc., &c. which they are constantly subject to when in use. All are made of the best quality of corded Tapes, and every part of the Skirt is of the very best materials, and is guaranteed in every respect to be by far the best, most comfortable, and most durable Skirt ever made.

Enquire for the Duplex Elliptic Spring Skirt. For Sale in all variety of styles and sizes by

FAINESTOCK BROS.,  
Nov. 15. Gettysburg, Pa.

N O H U M B U G !

CHAMBERSBURG STREET ALWAYS AHEAD !

THIS WAY FOR BARGAINS.

J OHN L. HOLTZWORTH, has just re-

turned from the city with the largest

and most complete assortment of

HATS AND CAPS,

BOOTS & SHOES,

etc., that has been brought

to this town since the

war. His stock is not only complete, but is

GOOD and CHEAP, embracing every variety

of Books and Shoes for Men and Boys,

whilst the Ladies will find everything in their

line, from the finest guiter to the heaviest

Shoe. Children's Shoes of every description

in great variety. Also—Ladies' Hats, fine

quality, and Children's Hats, of all styles

and prices. Also, Trunks, Carpet Bags, Vests,

Umbrellas, Gloves, Stockings, Tobacco,

Cigars, and Novelties of every description.

Don't forget the place, CHAMBERSBURG

street, opposite the Lutheran Church, Get-

tyburg, Pa. JNO. L. HOLTZWORTH,

Nov. 22.

New Millinery.

MISS MARY M. BEITLER would most re-

spectfully inform the Ladies of Bedeck-

ville and vicinity, that she has commenced the

Millinery business in that place, at Mr. Jacob

Heit's, where (having just returned from the

city) she will soon find, and, for sale, at the lowest

prices, HANETS, FANCY RIBBONS,

Feathers, Band Boxes, Straw, Legions and

other Military Goods of the newest and best

styles. Ready-trimmed Silk Bonnets are at all

times to be had.

Bonnet-making and trimming attended to

with dispatch and cheapness. Latest fash-

ions received for Fall and Winter Bonnets.

Oct. 28.

Herbst's Line.

THE undersigned would inform the public

that he is still running a line of FREIGHT

CARS from Gettysburg to Baltimore every

week. He is prepared to convey freight either

way, in any quantity. He will attend, it is de-

sired, to the making of purchases in the city, and

delivering the goods promptly at Gettysburg.

His cars run to the Warehouse of J. H. Bradley,

293 North street, Baltimore. He invites the

attention of the public to his line, assuring

them that he will spare no effort to accommo-

date all who may patronize him.

SIMUEL HERBST.

HAY WANTED. The highest price paid for

good Timothy.

Oct. 25.—\$5.

Notice.

BANK OF GETTYSBURG, Pa.

NOTICE is hereby given, agreeably to Sec-

tion 24 of the Act of the General Assembly of

the Commonwealth of Pennsylvania, entitled

"An Act enabling Banks of the Commonwealth to become Associations for the purpose of

Banking under the Laws of the United States,"

approved the 22d day of August, A. D. 1861,

that the Stockholders of The Bank of Gettys-

burg have this day voted to become such an

Association, and that its directors have pro-

ceded the authority of the owners of more than

two-thirds of the Capital Stock to make the

Certificates required therefor, by the laws of

the United States.

For further particulars Stockholders can ap-

ply to T. D. CARSON,

Dec. 6. Cashier.

WE have just received a new assortiment of

Queensware, to which we invite the atten-

tion of buyers.

A. SCOTT & SON.

Nov. 22.

Wall Paper.

WALL PAPER, all new styles, just re-

ceived at Dr. R. HORNER'S Drug Store,

April 26.

PURE BRANDY, GIN AND WHISKEY, for

medical purposes only, at the New Drug

Store of Dr. R. HORNER.

Dr. R. HORNER'S Drug Store.

# THE ADAMS SENTINEL AND GENERAL ADVERTISER.

## REMOVAL.

HAVING removed our FAMILY GROCERY to the stand formerly occupied by J. J. Eaton, nearly opposite the Bank of Gettysburg, we take pleasure in notifying our friends that we will continue the Grocery Business in all its branches at the New Stand. Our Stock consists of all grades of

Sugar, Coffees, Tea, Spices, Potions, Confectionary, Lard, Butter, Oats, Oil, Soap, Fish, Eggs, Cakes, Crackers, Nuts, Sweets, &c., &c. Also, the finest assortment of TOBACCO, among which are

Congress, U. S. Navy, Hamberg, Spain Roll, Light Fresh, Howland, Natural, May Apple, Pine Cat, Smokey, &c.

We keep constantly on hand the BEST BRANDS OF EXTRA FLOUR, which we always insure to be as represented.

We return thanks to our old patrons, and trust by a desire to please and conscientious business, to merit a continuance of your custom at the NEW STAND on York street. Our stock is well selected, comprising everything usually kept in a Family Grocery.

All kinds of country produce taken in exchange for goods.

Call and examine our stock. No trouble to show goods.

Alt orders promptly attended to.

WILLIAM BOYER,

CHARLES A. BOYER.

March 22.

**100,000 Bushels Grain Wanted**

**NEW FIRM AT THE OLD WAREHOUSE.**

W. M. B. RIDDLE & CO. would inform the public that they have leased the Warehouse on the corner of Stratton street and the Railroad, in Gettysburg, where they will carry on the GRAIN AND PRODUCE BUSINESS in all its branches. The highest price will always be paid for

WHEAT, RYE,  
CORN, OATS,  
CLOVER & TIMOTHY SEED,  
PLAXED SUMAC,  
HAY & STRAW;

Dried Fruits, Nuts, Soups, Hams, Shoulders and sides, Potatoes, with everything else in the country produce line.

ON HAND FOR SALE,  
Coffees, Sugars, Molasses, Syrups, Tons, Spices, Salt, Cheeze, Vinegar, Soda, Mustard, Starch, Brown, Buckets, Black Oil, Brashers, Soaps, &c. Also Coal Oil, Fish Oil, Tar, &c. Fish of all kinds; Nails and Spikes; Smoking and Chewing Tobacco.

They are always ready to supply a first rate article of Flour, with the different kinds of Feed.

Also, Ground Plaster, with Gypsum and other fertilizers, bagged, by the barrel, ton, or one load.

Their Cars run to Baltimore and back twice a week, and they will be happy to carry goods either way at moderate charges.

Merchants, country merchants, and others, will find to their advantage to patronize this line.

They ask a share of the public's custom, and will spare no effort to render satisfaction to all sellers or buyers.

WM. E. BIDDLE & CO.

Aug. 30.—II.

## A LECTURE

Two Young Men Just Published in a Sealed Envelope. Price Six Cents.

A Lecture on the Nature, Treatment and Radical Cure of Spasmotick or Sensitive Weakness, Involuntary Emissions, Sexual Debility, and Impediments to Marriage generally. Nervousness, Consumption, Epilepsy, and Fits; Mental and Physical Incapacity, resulting from Self Abuse, &c. By ROBERT J. CUBENSWELL, M. D., Author of the "Great Book," &c.

The world renowned author, in this admirable Lecture, clearly proves from his own experience, that the awful consequences of Self Abuse may be effectively removed without medicine, and without dangerous surgical operations, bougies, instruments, rings, or cathartics, pointing out a mode of cure so simple and effectual, by which every sufferer, no matter what his condition may be, may cure himself cheaply, privately, and radically. This Lecture will prove a boon to thousands.

Sent unbound, in a plain envelope, to any address, on the receipt of six cents, or two postage stamps, by addressing

C. J. S. J. O. KLINE & CO.,  
127 Broadway, New York, P. O. Box, 4586.

Jan. 11.—13.

F. B. & H. K. N. G.

## CHEAP CLOTHING.

Baltimore Street, GETTYSBURG.

Pickings' Clothing Store, Baltimore St.

Great place to buy Clothing,

Great place to buy Clothing,

Great place to buy Clothing,

Great place to buy Clothing.

At F. B. Pickings',

At F. B. Pickings',

At F. B. Pickings',

At F. B. Pickings',

In Baltimore Street,

In Baltimore Street,

In Baltimore Street,

In Baltimore Street.

GETTYSBURG, PA.

One Stock of FALL AND WIN-

TER-GOODS just received. Call and examine.

Nov. 1, 1864.

## AT THE

Paris Mantilla Emporium,

No. 920 Chestnut St., (Formerly No. 708.)

PHILADELPHIA.

NOW OPEN—PARIS-MADE

MANTILLAS AND CLOAKS.

Also, Spring and Summer Garments, of our own Manufacture, of the Latest Styles and in great variety.

J. W. PROCTOR & CO.

The Paris Mantilla Emporium,

No. 920 Chestnut St., Phila.

April 12.

Watches, Watches, Watches.

The undersigned has just returned from the Cities with a new assortment of GOLD and SILVER-WATCHES, selected with particular care, and which he can sell at extremely low prices—warranting them to be Gold time keepers. Also an assortment of CLOTHES, Keys, &c.

Persons desirous of purchasing a good Watch, are requested to call and examine my assortment.

JOSEPH BEVAN,

Shop of the Watch and Spectacles, on

May 2d, York street, Gettysburg.

Battle-Field Views.

A full set of our photographic views

of the Battle Field of Gettysburg, form a splendid gift for the Soldier—the first set published can be seen at the Excelsior Gallie.

TYSON & BRO.

May 15.

AGS. Avery Root, Corn Starch, Rice flour

and Gelatin, for sale at:

Dr. R. HORNER'S Drug Store.

May 17.

GOOD FARM, IN ADAMS COUNTY,

FOR WHICH I WILL EXCHANGE ONE OR MORE

FORMS OF CHOICE LAND IN IOWA, AND PAY THE DIFFERENCE.

SE. ARNOLD.

May 21.—I.

STATIONERY, OF ALL KINDS, AT DR. R. HORNER'S NEW Family Drug and Prescription Store.

May 21.—I.

WANTED,

A GOOD FARM, IN IOWA,

FOR WHICH I WILL EXCHANGE ONE OR MORE

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May 21.—I.

# THE ADAMS SENTINEL AND GENERAL ADVERTISER.

South American Affairs—A Speech of War.

The last advices from South America are indicative of a collision between Peru and Spain, growing out of the seizure of certain islands belonging to the former by the latter Power, which may involve contests into which it is not unlikely either of the South American States may be drawn. The Peruvian Congress has, time and again, expressed its disapprobation of the tardiness of the Executive department in not commencing hostilities already authorized by legislative enactment, and General Pérez, the acting President, after an abortive attempt at a coup d'état, seemed disposed, at last accounts, to obey the popular will, and, resent, by decided action, the flagrant insult offered by Spain to the Peruvian government. The time for remedial measures would appear to be well chosen, inasmuch as the Spanish fleet has been greatly weakened by the accidental destruction by fire of the flagship El Triunfo, leaving but one frigate and two sloops of war at the islands. The Peruvian fleet is much larger, and includes a new iron clad, the Lora, which has been fitted out by an enterprising American, after the style of the Merrimac and Tennessee. A grand council of war was held in the harbor of Callao on the 27th ultimo, and it was generally understood that the attack would be made on the 30th ultimo. This determination was hastened by the knowledge that reinforcements from Spain were on the way, and had already passed through the Straits of Magellan.

The other South American States, whose governments are republican in form, have been indifferent spectators of the existing complication, and on the 14th ult., plenipotentiaries from Chile, Bolivia, Peru, the Argentine republic, and it is said Guatemala met at Lima with the view of forming an alliance, offensive and defensive. A writer, who seems to be well informed, says:

"The republicans of South America have ever since the establishment of their independence, been proud of the title of American, and this feeling has been greatly strengthened by the French invasion of Mexico, and the policy of Spain toward San Domingo and Peru. They feel that this need of association, both to secure their independence against the monarchical power of Europe, and to develop the more rapidly their great resources. The idea of their common interest in the preservation and strengthening of republican institutions seem to have struck so deep root, that even if the proceedings of this first Congress should not have all the desired effect, we may surely expect the accomplishment of a bond of confederation at an early period. For the present, the most important question which occupies the attention of the Congress is the relations between Peru and Spain. It is reported that the plenipotentiaries were unanimously in favor of making the cause of Peru the common cause of all the republics."

The report received several days ago, Col. Mozo, the celebrated guerrilla chief, had been shot and seriously, if not fatally wounded, appears to be confined by extracts from Richmond papers of last Tuesday.

## Married.

On Dec. 13th, by Rev. Jas. S. Woodburn, at the U. P. Parsonage, Mr. MICHAEL N. CLARK & Miss ELIZABETH J. SEISS, both of Frederick county, Md.

On the 14th, by the same, at the residence of the bride's father, Mr. WILLIAM WALTERS to Miss MAGGIE LOTT, daughter of Adams county.

On the 1st of Nov., by the Rev. S. L. M. CANTRELL, Mr. RICHARD T. MCKINNEY to Miss MARY M. FITZGERALD, all of Adams county, Pa.

On the 16th, by the same, Mr. JAS. O. HUNTER, late of Kansas Territory, to Miss LEVINA S. DENTON, of Adams county, Pa.

On the 20th of Dec., by the same, at the Eagle Hotel, in Gettysburg, Mr. BENJAMIN LANDIS, of Bonnycastle, to Mrs. ELIZABETH MUSSETT, of Liberty township, Adams county.

On Tuesday evening, Dec. 27, in the M. E. Church, at Akronville, by the Rev. J. Branson Akers, Mr. ANDREW A. SWARTZ, from near New Oxford, Adams county, Pa., to Miss AMANDA AKERS, of Akronville, Fulton co., Pa.

Star and Compiler, please copy.

On the 21st ult., at the residence of John Cress, Esq., by the Rev. W. R. B. Deistrik, Mr. F. W. DRISKE, of Washington Court House, Ohio, to Miss ELIZABETH VIRGINIA WILLS, of Strasburg township, this county.

On the 20th ult., at the residence of the bride's parents, by the same, Mr. HENRY H. BUCHNELL, of Franklin county, to Mrs. MARY TUA JANE FREY, of Cambria township, this county.

In this place, on the 27th ult., by the Rev. S. McLELLAN, of Chambersburg, HELM SUTTON, Esq., of New York State, to Miss NANCY WEICKERT, of this place.

On the 29th ult., by the Rev. Mr. ALLEN, in Mr. JOHN M. MINNICH, of this place, to Miss VICTORIA A. KUHN, of Moshavertown.

On the 27th ult., at the Lutheran Parsonage, Arentsville, Pa., by Rev. J. E. Miller, Mr. WILLIAM E. DULL, of Cambridge City, Ind., to Miss ANNA MARY WARREN, of Butler township, this county.

On the 20th ult., by Rev. J. H. Meenes, Lieut. ALEXANDER STRICKLER, of York, to Miss MAGGIE C. WEBB, of York Springs, Adams county.

Star and Compiler, please copy.

On the 22d of December, in Iowa City, Iowa, JAMES H. KURTZ, son of A. B. Kurtz, of this place, in the 30th year of his age.

On the 19th ult., Capt. LEONARD DELAP, of Tyrone township, aged 70 years 11 months and 20 days.

On the 24th ult., at the residence of her son, Jacob Bucher, in Strasburg township, Mrs. ELIZABETH BUCHER, aged 81 years 4 months and 6 days.

At East Berlin, on the 25th ult., Mrs. ALICE AUGUSTA, widow of Israel Stumbaugh, aged 28 years 1 month and 10 days.

Blessed are the dead which die in the Lord.

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## GENERAL NOTES.

### INFORMATION FREE!

TO NERVOUS SUFFERERS.

A GENTLEMAN, expert of Nervous Debility, Incompetency, Premature Decay, and Early Error, actuated by a desire to benefit others, will be happy to furnish to all who need it, (free of charge), the recipe and directions for making the simple remedy used in his case. Sufferers wishing to profit by the advertiser's sad experience, and possess a sure and valuable remedy, can do so by addressing him at once at his place of business. The Recipe and full information—of vital importance—will be cheerfully sent by return-mail. ADDRESS JOHN H. OUDEN, No. 89 Nassau Street, New York.

P. S.—Nervous Sufferers of both sexes will find this information invaluable.

Dec. 6—4th.

### Dr. Marshall's Catarrh Snuff.

This Snuff has thoroughly proved itself to be the best article known for curing Catarrh, Cold in the Head and Headache. It has been found an excellent remedy in many cases of Soothing, Deafness has been removed by it, and hearing has been greatly improved by its use.

It is fragrant and agreeable, and gives immediate relief to all bodily evasions caused by the disease of the head. The sensations caused by it are delightful and invigorating—it opens and purges, and all obstructions, strengthens the head, and gives a healthy action to the parts affected. More than thirty years' of sale and use of Dr. Marshall's Catarrh and Headache Snuff, has proved its great value for all the common diseases of the head, and at this moment stands higher than ever before.

It is recommended by many of the best physicians, and is used with great success and satisfaction everywhere. Read the certificates of wholesale Druggists in 1861.

The underling, having for many years been acquainted with Dr. Marshall's Catarrh and Headache Snuff, and sold it in our wholesale trade, cheerfully state that we believe it to be equal, in every respect, to the recommendations given it for the cure of Catarrh Affections, and that it is decidedly the best article we have ever known for all common diseases of the head.

B. & P. Party, New York, Astor & Co., Brown, Lawson & Co., Read, Carter & Co., S. W. Park, Wilson, Fairbank & Co., Horner, Edwards & Co., New York, H. H. May, Pond, Land, Maine, Barnes & Park, A. B. & B. S. Davis, Stephen & Co., Israel Minot & Co., McKesson & Robbins, A. L. Scovell & Co., M. Ward, Close & Co., Bush & Gads, New York.

For Sale by all Druggists, Try it. Nov. 18—19

### The Great English Remedy.

MR. JAMES CLARKE'S Celebrated English Pills! Prepared from a prescription of Sir J. Clarke, M. D., Physician Extraordinary to the Queen.

This well known medicine is no imposition but a sure and safe remedy for Neuralgia and Obstructions, from any cause whatever; and although a powerful remedy, it contains nothing hurtful to the constitution.

To Married Ladies it is peculiarly suited, it will, in a short time, bring on the monthly period with regularity.

In all cases of Nervous and Spinal Affections, pain in the Back and Limbs, Headache, Fatigue in slight exertion, Palpitation of the Heart, Losses of Spirits, Hysterics, Sick Headache, White, and all the painful diseases maintained by a disordered system, these pills will effect a cure when all other means have failed.

These pills have never been known to fail where the directions on the 2d page of pamphlet are well observed.

For full particulars get a pamphlet, free, of the agent. Said by all Druggists, Price \$1 per bottle.

Side United States Agent.

JOB MOSES, 27 Cortland St., New York, N. Y.—\$1 and 6 postage stamps enclosed to any authorized agent, will insure a bottle containing over 50 pills, by return mail.

Sold by A. D. Bucher, Gettysburg, Nov. 15—16

### MATRIMONIAL!

LADIES and Gentlemen, if you wish to marry, address the undersigned, who will send you without money and without price, valuable information that will enable you to marry happy and speedily, irrespective of age, wealth or beauty. This information will cost you nothing, and if you wish to marry, I will cheerfully assist you. All letters strictly confidential. The desired information sent by return mail, and no questions asked. Address SARAH B. LAMBERT, Greenport, Kings Co., New York.

Oct. 11—2m.

### To Consumers.

CONSUMPTIVE sufferers will receive a valuable prescription for the cure of Consumption, asthma, Bronchitis, and all throat and lung affections (free of charge) by sending their address to

REV. EDWARD A. WILSON, Williamsburg, Kings Co., New York.

Sept. 27—3m.

### Notice.

NOTICES to the residence of the estate of Sir J. Clarke, M. D., Physician Extraordinary to the Queen.

For the 2nd of January, at the house of the bride's father, Mr. WILLIAM WALTERS to Miss MAGGIE LOTT, daughter of Adams county.

On the 1st of Nov., by the Rev. S. L. M. CANTRELL, Mr. RICHARD T. MCKINNEY to Miss MARY M. FITZGERALD, all of Adams county, Pa.

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On the 24th ult., at the residence of her son, Jacob Bucher, in Strasburg township, Mrs. ELIZABETH BUCHER, aged 81 years 4 months and 6 days.

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Blessed are the dead which die in the Lord.

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# THE ADAMS SENTINEL AND GENERAL ADVERTISER.

The 16th Congressional District

KOONTZ AND COFFROTH.

OPINION OF THE ATTORNEY GENERAL

Two papers purporting to be returns of the recent election in the 16th Congressional District, have been sent to the Secretary of the Commonwealth. The District is composed of the five counties of Adams, Franklin, Fulton, Bedford and Somerset. One of these papers is signed by four persons, viz: Messrs. Carr, of Bedford county; Laker, of Franklin; Winter, of Fulton, and Peck, of Adams, styling themselves a majority of the return judges of the above named counties; and the paper goes on to state that they examined and counted the votes cast for Congress in the district, and that Messrs. Coffroth and Koontz had each a specified number of votes in the respective counties of Adams, Bedford, Franklin and Fulton, and that Mr. Coffroth having a majority of all the votes cast as counted before the board, is declared duly and legally elected. It is further stated in the paper that Somerset was not represented by a judge, or otherwise in the board, and that notice of the time and place of meeting was given to the return judge elected from Somerset (where the meeting was held) on the day of meeting.

The other paper is signed by five persons, viz: Messrs. Wills, of Somerset county; Carr, of Adams; Wilhelm, of Franklin; Winter, of Fulton, and Peck, of Bedford, styling themselves as being appointed return judges of the election held in the several counties composing the 16th Congressional District, viz: Adams, Bedford, Franklin, Fulton and Somerset. The paper goes on to state that having carefully examined the returns of the said several districts, and added together the votes therein contained, according to law, they certify, that Messrs. Koontz and Coffroth had each a specified number of votes in the respective counties of Adams, Bedford, Franklin, Fulton and Somerset, and declared that Mr. Koontz, having received the greatest number of legal votes, is duly elected. Both the bodies claiming to be district return judges met on the day and at the place fixed by law.

The respective canvases having requested a hearing, were heard by themselves and counsel, and evidence was received on the question, Who were the return judges of the district? This evidence left no material question of fact in doubt, and the result may be briefly stated thus: Mr. Wills was the regularly selected district judge for Somerset, and Mr. Winter for Fulton. All the signs of the respective papers were among the county return judges of their respective counties. Messrs. Dichtl, of Adams, and Mann, of Bedford, were selected as district return judges, by the majority of the return judges of their respective counties, after the minority had withdrawn in consequence of dissatisfaction with the proceedings of the majority.—Messrs. Carr, of Adams, and Peck, of Bedford, were selected as district return judges by the minority of the return judges of their respective counties, after the withdrawal above stated. Mr. Wilhelm, of Franklin, was selected as district return judge by the return judges of that county, at the first meeting, and of course, before the soldiers' vote had been counted. Mr. Laker, of the same county, was selected by the return judges of the county, at their last meeting, and after the soldiers' vote had been counted. At that meeting, upon the suggestion of the clerks, Mr. Wilhelm, who was president of the board, stated that he had been informed that the selection of a district return judge, before all the votes had been counted, was illegal, upon which a motion was made, and carried to proceed to a selection. The vote was taken and Mr. Laker had a majority, and the returns were accordingly placed in his charge. Mr. Wilhelm was nominated, but had not a majority. He never resigned the appointment which had already been made, but, no doubt, under the impression that such appointment was illegal—he put the question on proceeding to a new selection, announced the result, and as president signed a certificate, under seal, of Mr. Laker's selection as district return judge.

On this state of facts the Governor has requested my opinion on the question, which of the two candidates ought to be proclaimed by him as having been returned as elected?

In a recent opinion I have stated my reasons, which need not be here recapitulated, for arriving at the conclusion that the Governor has no right to go behind the returns for the purpose of inquiring into their correctness—that his functions in regard to them are strictly ministerial.

In the present instance it appears (it is believed for the first time) that two different bodies of men each claiming to be the board of district return judges, present papers which they style returns of the election. The Governor is of course compelled to endeavor to ascertain, by such evidence as can be had, which of these papers is signed by the lawful district return judges, just as every ministerial officer is bound to satisfy himself of the authenticity of an official paper, on which he is required to act.

It is well established that (unless otherwise expressly provided) an authority of a public nature, conferred on three or more persons jointly, may be exercised by a majority at a meeting lawfully held, and of which all have had legal notice, and that the meeting and proceedings of such a body are presumed to be regular, in the absence of proof to the contrary. But a majority of such a body cannot, by withdrawing (for whatever reason) from the majority and proceeding to act independently, vest in themselves the authorities which the law has conferred on the whole and permits to be exercised by a majority as above stated.

The general election law of 1839 provides that when two or more counties shall compose a district for the choice of a member of Congress, the judges of the election in each county, having met, the clerks shall make out a fair statement of all the votes which shall have been given at such election, which shall be signed by said judges and attested by the clerks, and that one of the said judges shall take charge of such certificate, and shall produce the same at a meeting of the judges from each county.

Keeping in view the principles above stated, which are of universal acceptance, the majority of the judges in Adams and Bedford had jointly no authority to appoint

a clerk or cause votes to be added up, or returns to be made out, or in fact to perform any of the functions of the body of county judges of the election. The conclusion is inevitable that Messrs. Carr, of Adams, and Peck, of Bedford, who claimed to act as judges from those counties at the meeting of one judge from each county, and present returns made and signed by such minorities, were not entitled so to act, nor could the returns which they presented be legally received.

The law, as has been seen, requires that the certificate having been made out by the clerks, shall be signed by the county judges of the election. It is, of course, in the possession and under the control of the body of such judges when assembled according to law. Of course, that body must direct it to be placed in the charge of the member whom the majority may designate, to attend the meeting of one judge from each county, and present it to that meeting, and assist in making up the returns of the district. I can see no ground for the assumption that a judge cannot be designated for these purposes, just as lawfully before the certificate has been made out and signed, as afterwards; and therefore I conceive that the selection of Mr. Wilhelm was entirely legal. But that selection did not constitute him the holder of an office. He was rather a committee of one, to perform certain duties. But, whether he be styled an officer or committee, in my opinion, the subsequent selection of Mr. Laker, and the actual placing of the certificate in his charge completely discharged Mr. Wilhelm and overrode his appointment.

The result is that of the five persons who have signed the papers stating Mr. Koontz to be elected, three had no legal authority to act in the capacity which they assumed, and I am therefore of opinion that the Governor ought not to base his proclamation on that paper as a return.

In regard to the other paper, it is signed by four persons who appear to have been legally designated by the judges of election in their respective counties. The judge from Somerset, though he had notice, neglected or refused to attend the meeting, or at any rate failed to attend it.

The duty of the four judges who did attend is clearly pointed out by law. It was to "cause up the several county returns and make duplicate returns of all the votes given," for the office in the district, "and of the name of the person elected." Instead of doing this, they omitted to count the vote of Somerset, apparently by reason of the non-attendance of the judge from that county. It has been suggested that as they had not those returns they could not count them, which is very true. But duplicate originals were accessible in the office of the Prothonotary of Somerset county, and it was their duty, if necessary, to refer to them. They could not, of course, have obtained them on the same day, but though the law fixes the day of their meeting, it was perfectly legal for them to adjourn if the business could not be completed in one day, and I think it was undoubtedly their duty to do so. That the non-attendance of a judge should be held to infer the disqualification of the county from which he comes, when duplicates originals of the returns which he failed to produce were easily attainable by a short delay, would be intolerable.

The act of 1839 provides that the judges shall make returns of "all the votes given for such office in said district, and of the name of the person elected," and further provides that it shall be the duty of the Governor, on the receipt of the returns of the election as aforesaid, "to declare by proclamation the names of the persons so returned as elected in the respective districts; that is to say, returned as elected in a return which also purports to return all the votes given for the office, in the district."

The paper in question does not purport to return all the votes given for the office in the district. It shows on its face that the vote of one county in the district was not counted, and therefore that the judges had not before them the means of knowing who was elected—and indeed the return substantially is, that Mr. Coffroth had a majority "of all the votes cast as counted before the board," (that is to say, of the votes in four out of five counties which composed the district,) and therefore is duly elected. This return is so essentially defective that I conceive it to be no return at all, and am of opinion that the Governor ought not to base his proclamation on it as elected?

In a recent opinion I have stated my reasons, which need not be here recapitulated, for arriving at the conclusion that the Governor has no right to go behind the returns for the purpose of inquiring into their correctness—that his functions in regard to them are strictly ministerial.

In the present instance it appears (it is believed for the first time) that two different bodies of men each claiming to be the board of district return judges, present papers which they style returns of the election. The Governor is of course compelled to endeavor to ascertain, by such evidence as can be had, which of these papers is signed by the lawful district return judges, just as every ministerial officer is bound to satisfy himself of the authenticity of an official paper, on which he is required to act.

It is well established that (unless otherwise expressly provided) an authority of a public nature, conferred on three or more persons jointly, may be exercised by a majority at a meeting lawfully held, and of which all have had legal notice, and that the meeting and proceedings of such a body are presumed to be regular, in the absence of proof to the contrary. But a majority of such a body cannot, by withdrawing (for whatever reason) from the majority and proceeding to act independently, vest in themselves the authorities which the law has conferred on the whole and permits to be exercised by a majority as above stated.

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